

Patent Application
Docket No. P14992US

REMARKS

Applicants thank the Examiner for his report. Reconsideration and allowance of the application is respectfully requested in view of the following remarks. Claims 1 - 19 are currently pending in the application.

Claim rejections – 35 U.S.C § 112

Claims 1, 8 and 15 were amended to overcome the presented rejection the terms “if” and “determines if” were replaced by “upon detection” and “detects that”. It is the Applicants belief that such amendments will place the independent claims in accordance with 35 U.S.C § 112. Withdrawal of the rejection is therefore respectfully requested.

Claim rejections – 35 U.S.C § 103(a)

Claims 1-19 stand rejected under 35 U.S.C § 103(a) as being unpatentable over Jansen et al. (US6,243,450), hereinafter referred to as Jensen, and further in view of Rainis et al. (US6,310,873, hereinafter referred to as Rainis. Applicants respectfully traverses the rejection.

While Applicant disagrees with the Examiner concerning the relevance of the located prior art, amendments to the claims were still performed to all independent claims in order to clarify the scope of protection sought therewith and with the hope of expediting the prosecution. Likewise, claims 2, 3 and 10 are hereby cancelled from consideration without prejudice.

Independent claims 1, 8 and 15 all relate to a call server collecting accounting data during a first portion of an IP session for which a first billing rate applies. The call server then waits for an accounting event before sending the collected accounting data to an Authentication, Authorization, and Accounting (AAA) server. The call server sends the collected accounting data to the AAA server within an Accounting stop message that indicates the end of the first portion of the IP session. The call sever further sends an Accounting start message indicating the beginning of a second portion of the IP session.

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Patent Application
Docket No. P14992US

Jansen and Rainis individually and collectively fail to describe the present invention. Jansen relates to a terminal for allowing a user to access network resources while being charged therefor. All accounting of data exchanged from the local terminal and remote servers, in Jansen, is performed locally in the terminal.

Therefore, it can readily be understood that Jansen does not involve collecting accounting in a call server and, upon occurrence of an accounting event, sending the collected accounting data to a AAA server. It does not suggest either how such a mechanism could be used, especially not for avoiding bursty accounting messaging traffic when changing billing rates are involved.

Rainis relates to an Internet telephony directory server to enable users to chose the most appropriate telephony server to route a telephone call from an IP terminal to a regular phone.

As can be appreciated, Rainis does not either involve collecting accounting in a call server and, upon occurrence of an accounting event, sending the collected accounting data to a AAA server.

Furthermore, Applicant does not agree with the Examiner on his evaluation that the present invention does not solve any stated problem in a new and unexpected way. The Examiner is referred to paragraph 0012 of the description as filed wherein the Applicant clearly states the deficiency of the existing solution to avoid bursty accounting messaging traffic between a call server and a AAA server. The problem as stated was, at the time of filing, unsolved and of interest for the telecommunications industry. As already mentioned, neither Jansen, Rainis nor any combination thereof could potentially provide a solution thereto.

Therefore, withdrawal of the rejection of independent claims 1, 8 and 15 and all pending dependent claims 4-7, 9, 11-14 and 16-19 since their patentability depend ultimately from their respective independent claims.

Patent Application
Docket No. P14992US

CONCLUSION

In view of the foregoing, Applicants submit that the application is now in condition for favourable action.

Should the Examiner wish to discuss the present amendment or present patent application, he is invited to contact the undersigned at (514) 345-7891.

Respectfully submitted

Dated: November 11th, 2004

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